

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:98-cr-125

v.

HON. JANET T. NEFF

ORAL MENDEZ,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Oral Mendez has filed a motion for modification or reduction of sentence (Dkt 112) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is ineligible for a reduction of sentence because the amended calculation does not result in a lower guideline range.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 112) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: September 20, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge